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William H. Cooper's Sons, Inc.
3900-3912 G. Street
Philadelphia, PA 19124
215.425.1922

ORIGINAL

May 22, 2012

Kenneth I. Rose, III, Financial Analyst (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Response to U.S. Environmental Protection Agency ("EPA") Required
Submission of Information, Metro Container Site

Dear Mr. Rose:

The following letter is being submitted by William H. Cooper's Sons, Inc. ("Cooper") in response to the EPA's Required Submission of Information for the Metro Container Site, dated March 14, 2012 ("Information Request").

As an initial matter, Cooper generally objects to EPA's Information Request on the following grounds:

General Objections

1. Cooper objects to the overbroad, vague and unduly burdensome requests for documents and information and related instructions and definitions. Cooper specifically objects to this Information Request as overbroad and unduly burdensome in that it seeks documents and information for a nine (9) year period ending nearly twenty-four (24) years ago.
2. Cooper objects to the use of undefined terms which are excessively broad, vague, ambiguous, irrelevant, unduly burdensome and not reasonably calculated to lead to information that can be legally obtained under 42 U.S.C. § 104(e).
3. Cooper objects to the Information Request to the extent it seeks information or documents protected by the attorney-client privilege, the attorney work product doctrine, the audit or self-evaluative privilege, joint defense privilege, or any other applicable privilege. Cooper is not providing information or documents that fall within these categories.
4. Cooper objects to the Information Request to the extent it seeks information or documents in the possession of the United States or another governmental agency or is otherwise public information equally available to the EPA. Cooper is not providing

information or documents that fall within this category.

5. Cooper objects to the extent the Information Request seeks information or documents regarding petroleum materials that are exempt from CERCLA's definitions of "hazardous substances" and "pollutants or contaminants" as set forth in 42 U.S.C. § 9601(15) and (33) or otherwise seeks information beyond that authorized by 42 U.S.C. § 9604(e).
6. Cooper objects to any obligation to supplement these responses on an ongoing basis. CERCLA authorizes the EPA to require submission of information upon reasonable notice. 42 U.S.C. 9604(e). Notwithstanding the foregoing, Cooper is willing to provide additional information if specifically requested by the EPA in the future and in compliance with CERCLA, provided that the information is relevant, reasonably available, has not already been provided and is not otherwise subject to these objections. Cooper's response to this Information Request is limited to the currently available information and personnel, and Cooper reserves the right to supplement, modify and/or amend its response if new or additional information becomes available.
7. This response does not constitute, nor shall it be construed to be an admission of liability or facts with respect to any claims, demands, causes of action or alleged violations set forth in this Information Request or relating to the subject matter of this Information Request.
8. Cooper objects to the requirement that the response be signed by an appropriately authorized corporate official or otherwise certify the response to the Information Request.

Subject to the preceding general objections, Cooper's response is as follows:

1. **The EPA has information which indicates that you sent drums to the Metro Container Site between 1980-1988 from one or more of your facilities. For each such facility, identify:**

- a) **The address of the facility; and**

320 Brown Street, Philadelphia, PA 19123

- b) **The products/materials produced at such facility between 1980-1988.**

Cooper does not produce products/materials. Cooper's business is the purchase and sale of drums to and from industrial and commercial customers. From time to time, business operations have included the reconditioning and reuse of steel drums for customers.

2. **Identify the processes used between 1980-1988 to produce the products/materials identified in response to Question #1.**

Not applicable.

3. **Identify the raw materials used in the processes identified in response to Question #2.**

Not applicable.

4. **Identify all wastes and by-products generated between 1980-1988 from the processes identified in response to Question #2.**

Not applicable.

5. **For each raw material and waste/by-product identified in response to Questions #3 and #4;**

- a) **Identify the chemical composition.**
- b) **Provide a copy of all documents referring to or related to the composition of such raw material and waste/by-product including, but not limited to, chemical analyses performed on such raw materials and wastes/by-products; and**
- c) **Identify how each waste/by-product was disposed of between 1980 and 1988.**

Not applicable.

6. **Identify all chemicals/constituents that would have been present in drums present at any time between 1980-1988 at the facilities identified in response to Question #1(a).**

Unknown. Cooper collected empty, used raw material and finished product drums from various customers in the chemical, paint, printing, pharmaceutical, oil and solvent distributor industries. Chemicals/constituents present would have been consistent with the chemicals/constituents utilized by those industries and typically stored in drums.

7. **Identify and provide a copy of all contracts and agreements between you and Metro Container Corporation or any related entity under which drums were sent from your facilities to the Metro Container Site (your answer need not identify documents evidencing individual shipments of drums to the Site).**

To the best of Cooper's knowledge, no such contracts or agreements existed.

8. **Identify the procedures used to determine which drums present at any time at your facilities would be sent to the Metro Container Site.**

For some period of time, Cooper sent tighthead drums to the Metro Container facility for reconditioning. In addition, Cooper may have from time to time sold "chainer" drums to Metro Container. No formal procedure was used to determine which drums would be sent to Metro Container.

- 9. Identify the chemicals/constituents contained in the drums you sent to the Metro Container Site.**

Any drums sent to Metro Container would have been empty.

- 10. If you assert in response to Question #9 that some or all of the drums sent to the Metro Container Site were empty, identify the chemicals/constituents that would have been in the drums before they were emptied.**

Unknown. However, several invoices provided by EPA indicated that Cooper requested that the reconditioned drums be repainted blue and white. A customer of Cooper's, Dunlap Mellor, utilized blue and white drums. Dunlap Mellor was an oil and solvent distributor.

- 11. Provide the name, title, address and telephone number of the person answering these questions on your behalf. For each question, provide the name, title, areas of responsibility, current address, and telephone number of all persons consulted in preparation of the answers.**

John J. Cooper, President
William H. Cooper's Sons, Inc.
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- 12. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:**

- a) Your document retention policy;
- b) A description of how the records were/are destroyed (burned, archived, trashed, etc.);
- c) The approximate date of destruction;
- d) A description of information that would have been contained in the documents; and,
- e) The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

All historic documents were generally discarded in the trash by Mr. Cooper when the business moved from the Brown Street location to G. Street in Spring/Summer 2006. The documents may have contained old invoices.

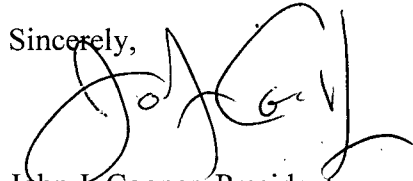
13. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information that you provide in a response to this request should include the party's name, address, type of business, and the reasons why you believe that the party may have contributed to the contamination at the Site or may have information regarding the Site.

None.

* * *

If you have any questions regarding this response, please contact my attorney, Joseph Freudenberg, at 215.575.7289.

Sincerely,

A handwritten signature in black ink, appearing to read 'John J. Cooper', written over the word 'Sincerely,'.

John J. Cooper, President
William H. Cooper and Sons.

Cc: Joseph Freudenberg, Esq.

Bcc: Jim Carney, Esq.